

**UNITED STATES OF AMERICA  
BEFORE THE NATIONAL LABOR RELATIONS BOARD**

**MARINETTE MARINE CORPORATION**

**and**

**INTERNATIONAL BROTHERHOOD OF  
BOILERMAKERS, BLACKSMITHS,  
FORGERS AND HELPERS, LOCAL 696**

**Cases 18-CA-134306  
18-CA-134313  
18-CA-134318  
18-CA-134321  
18-CA-134322  
18-CA-135657  
18-CA-140472  
18-CA-144539**

**DECISION AND ORDER**

Statement of the Cases

On May 21, 2015, Marinette Marine Corporation (the Respondent), International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers, Local 696 (the Union), and the General Counsel of the National Labor Relations Board entered into a Formal Settlement Stipulation, subject to the Board's approval, providing for the entry of a consent order by the Board and a consent judgment by any appropriate United States Court of Appeals. The parties waived all further and other proceedings before the Board to which they may be entitled under the National Labor Relations Act and the Board's Rules and Regulations, and the Respondent waived its right to contest the entry of a consent judgment or to receive further notice of the application therefor.

The National Labor Relations Board has delegated its authority in this proceeding to a three-member panel.

The Formal Settlement Stipulation is approved and made part of the record, and the proceeding is transferred to and continued before the Board in Washington, D.C., for the entry of a Decision and Order pursuant to the provisions of the Formal Settlement Stipulation.

Based on the Formal Settlement Stipulation and the entire record, the Board makes the following

**Findings of Fact**

1. The Respondent's business

The Respondent is a corporation with an office and place of business in Marinette, Wisconsin (the Respondent's facility), and is engaged in the manufacture and the nonretail sale of ships and fleets.

In conducting its operations during the 12-month period ending November 1, 2014, the Respondent sold and shipped from its Marinette, Wisconsin facility goods valued in excess of \$50,000 directly to customers located outside the State of Wisconsin.

The Respondent is now, and has been at all material times, an employer engaged in commerce within the meaning of Section 2(2), (6), and (7) of the Act.

2. The labor organization involved

The International Brotherhood of Boilermakers, Blacksmiths, Forgers and Helpers, Local 696 (the Charging Party or the Union) is a labor organization within the meaning of Section 2(5) of the Act.

3. The appropriate unit

The following employees of the Respondent constitute a unit appropriate for the purposes of collective bargaining within the meaning of Section 9(b) of the Act:

All production and maintenance employees, including stock room clerks, employed at or out of its Marinette, Wisconsin facility; excluding office clerical employees, professional employees, professional employees, watchmen and guards and supervisory employees, as defined by the National Labor Relations Act.

Since at least 1972, and at all material times, the Respondent has recognized the Union as the exclusive collective-bargaining representative of the unit. This recognition has been embodied in successive collective-bargaining agreements, the most recent of which is effective from March 7, 2010 to March 7, 2016.

At all material times since at least 1972, based on Section 9(a) of the Act, the Union has been the exclusive collective-bargaining representative of the unit.

## **ORDER**

Based on the above findings of fact, the Formal Settlement Stipulation, and the entire record, and pursuant to Section 10(c) of the National Labor Relations Act, the National Labor Relations Board orders that:

The Respondent, Marinette Marine Corporation, Marinette, Wisconsin, its officers, agents, successors, and assigns, shall:

1. Cease and desist from

(a) Failing or refusing to provide information requested by the Union, in a timely fashion, that is necessary for and relevant to the Union's performance of its duties as the exclusive collective-bargaining representative of the bargaining unit.

(b) In any like or related manner, interfering with, restraining, or coercing employees in the exercise of the rights guaranteed them by Section 7 of the Act.

2. Take the following affirmative action necessary to effectuate the policies of the Act.

(a) Respond to the Union's requests for information in a timely fashion, and if the Respondent does not intend to provide the information, provide the basis for its refusal.

(b) Within 14 days of the Board's Order, furnish the Union the following information requested by the Union to the extent required by law: information concerning the journeyman status of subcontractors performing bargaining unit work in the electrical department, as requested on about July 9, 2014.

(c) Within 14 days of service by the Region, post at its Marinette, Wisconsin facility copies of the attached notice marked "Appendix A." Copies of the notice, on forms provided by the Region, after being signed by the Respondent's authorized representative, shall be posted by the Respondent and maintained for 60 consecutive days in conspicuous places, including all places where notices to employees are customarily posted. In addition to physical posting of paper notices, the Respondent shall distribute notices electronically, by email, posting on an intranet or internet site, and/or other electronic means, if the Respondent customarily communicates with its employees by such means. The Respondent will take reasonable steps to ensure that the notices are not altered, defaced, or covered by any other material. In the event that, during the pendency of these proceedings, the Respondent has gone out of business or closed the facility involved in these proceedings, the Respondent shall duplicate and mail, at its own expense, a copy of the notice to all current employees and former employees employed by the Respondent at any time since February 11, 2014.

(d) Within 21 days after service by the Region, file with the Regional Director a sworn certification of a responsible official on a form provided by the Region attesting to the steps that the Respondent has taken to comply.

Dated, Washington, D.C., August 10, 2015.

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Mark Gaston Pearce, Chairman

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Kent Y. Hirozawa, Member

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Lauren McFerran, Member

(SEAL)

NATIONAL LABOR RELATIONS BOARD

## **APPENDIX A**

### **NOTICE TO EMPLOYEES**

#### **POSTED BY ORDER OF THE NATIONAL LABOR RELATIONS BOARD An Agency of the United States Government**

**PURSUANT TO A STIPULATION PROVIDING FOR A BOARD ORDER  
AND A CONSENT JUDGMENT OF ANY APPROPRIATE  
UNITED STATES COURT OF APPEALS**

#### **FEDERAL LAW GIVES YOU THE RIGHT TO:**

- Form, join, or assist a union
- Choose a representative to bargain with us on your behalf
- Act together with other employees for your benefit and protection
- Choose not to engage in any of these protected activities.

The International Brotherhood of Boilermakers Local 696 (the Union) is the exclusive collective-bargaining representative of all production and maintenance employees, including stock room clerks, employed at our Marinette, Wisconsin facility.

WE WILL NOT refuse to furnish or unreasonably delay in providing the Union with information that is relevant and necessary to its role as the exclusive collective-bargaining representative of our unit employees.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce you in the exercise of the rights guaranteed you under Section 7 of the Act.

WE WILL respond to the Union's requests for information in a timely fashion. If we do not intend to provide the information requested, we will provide the basis for our refusal.

WE WILL, within 14 days of the Board's Order, furnish the Union with the following information to the extent required by law: information concerning the journeyman status of subcontractors performing bargaining unit work in the electrical department as requested on about July 9, 2014.

## MARINETTE MARINE CORPORATION

The Board's decision can be found at [www.nlrb.gov/case/18-CA-134306](http://www.nlrb.gov/case/18-CA-134306) or by using the QR code below. Alternatively, you can obtain a copy of the decision from the Executive Secretary, National Labor Relations Board, 1015 Half Street, S.E., Room 5011, Washington, D.C., 20570, or by calling (202) 273-1940.

